

PRELIMINARY SUBDIVISION REPORT
to the
Carroll County Planning and Zoning Commission
August 15, 2023

Prepared by
Kierstin Marple, Bureau of Development Review

SUBJECT: P-19-0049, The Landing at Whispering Pines (F.K.A. Hoby Wolf Property)

LOCATION: West side of Oklahoma Road, south of Bennet Road, C.D. 5

OWNER: Hobart D. Wolf, Jr. & Patricia Ann Wolf, 6122 Oklahoma Road, Sykesville, MD 21784

DEVELOPER: Powers Homes, 113 Westminster Road, Suite 200, Reisterstown, MD 21136

ENGINEER: CLSI, 439 East Main Street, Westminster, MD 21157

ZONING: R-20,000

ACREAGE: 71.36 acres

WATERSHED: Liberty Reservoir

NO. OF LOTS: 103

FIRE DISTRICT: Sykesville

MASTER PLAN: Residential Medium– 2018 Freedom Community Comprehensive Plan

PRIORITY FUNDING AREA: Freedom

DESIGNATED GROWTH AREA: Freedom

WATER/ SEWER DISTRICT: Freedom

PUBLIC FACILITIES IMPACTED

SCHOOLS: Freedom Elementary
Oklahoma Road Middle
Liberty High

ROADS: Oklahoma Road

FIRE & EMS: Sykesville

POLICE: Carroll County Sheriff's Office/Maryland State Police

❖ Action Required

Two actions are required:

1. Approval of the Preliminary Plan of Subdivision pursuant to Chapter 155, Development and Subdivision of Land, of the Code of Public Local Laws and Ordinances of Carroll County.
2. Denial of the Preliminary Plan of Subdivision pursuant to Chapter 156, Adequate Public Facilities and Concurrency Management, of the Code of Public Local Laws and Ordinances of Carroll County.

❖ Existing Conditions

The subject property is comprised of three parcels, all owned by the Wolf family. It hosts three residential structures, and associated outbuildings, located centrally within the whole of the property. One existing driveway entrance from Oklahoma Road, near the intersection of Red River Road, serves all the existing buildings.

Three separately owned properties, 6152, 6200, and 6206 Oklahoma Road, are bordered by the subject property at its southern property line at Oklahoma Road.

There is a pond on site, and a north-south oriented stream with a non-FEMA floodplain area that bisects the property. The stream valley marks the lowest elevations, with the property sloping uphill towards Oklahoma Road as well as towards Hemlock Drive. Forest surrounds the stream and covers the southern portion of the property.

Western frontage of the property, approximately 2,600 linear feet, lies on Oklahoma Road. Properties across Oklahoma Road to the east are in the R-20,000 zoning district and are developed with older subdivisions of single-family residences. Lots sizes in these existing subdivisions average 0.3 acres, or 13,000 square feet. On the eastern side of Oklahoma Road, sidewalk exists from just south of the Bennett Road / Oklahoma Road intersection with one gap across from the northern end of the subject property. The property where the gap exists is currently in the subdivision review process for development, under the title Byron Hills, and connecting the sidewalk to the maximum extent possible is a condition of approval as that project proceeds through review.

A majority of the property's southern property line is shared with the Board of Education's Oklahoma Road Middle School property. At the southwest area of the subject property, adjoining properties are zoned R-20,000 and host single-family residences in subdivisions from the 1960's. Northern adjoiners, also in the R-20,000 zoning district, are single-family residential lots.

On the western property line, lands are owned by the Oak Creek Homeowners Association and maintained as open space parcels related to the Oak Creek cluster subdivision. Lots sizes in Oak Creek average 0.3 acres, or 13,000 square feet. Bisecting Oak Creek's required open space is a 50-foot-wide parcel, Parcel F, owned by Carroll County, and designated for the extension of Monroe Avenue. Monroe Avenue is a planned major road extension included in the 2018 Freedom Community Comprehensive Plan. The Oak Creek subdivision has an extensive internal network of existing sidewalks.

The subject property and all adjoining properties lie in the Existing / Final Planning water and sewer service areas.

❖ History:

The initial plan was submitted for technical review on August 26, 2019. The developer proposes to demolish all existing structures and create 103 new, clustered lots of subdivision on the property with 23 acres of open space parcels.

The plan was reviewed by technical staff and was then subject to citizen involvement during the September 23, 2019, Technical Review Committee meeting. Twenty-four citizens were in attendance and at the meeting expressed preferences of adding landscaping buffers where the property adjoins existing neighborhoods, and concerns about stormwater runoff, soil erosion, and school capacity. Written correspondence sent by the speakers at this meeting and by other neighbors also referenced these concerns.

On December 14th, 2021, the project was presented to the Planning and Zoning Commission as a cluster concept plan and also a conventional concept plan. The Planning and Zoning Commission was asked to authorize the clustering plan to proceed through the review process, as is permitted in the R-20,000 zoning district provided conditions outlined in Chapter 155.095 of the 2019 edition of the Code of Public Local Laws and Ordinances of Carroll County are met:

§ 155.095 CLUSTER SUBDIVISIONS.

(A) **Conditions requisite to approval in R and H Districts.** In the H, R-40,000, R-20,000, and R-10,000 Districts, the Planning Commission may authorize the division of tracts or parcels of land into lots for R District uses, and lots and yards may be smaller than otherwise required in the R Districts in Chapter 158, provided that the following conditions are met:

- (1) The total number of lots and dwelling units may not exceed the number that would be permitted if the area were developed in conformance with its topographic characteristics and the normal minimum lot size requirements in the zoning district in which they are located;
- (2) The land derived from reduction of lot size shall be provided and maintained as open space or recreational areas for joint use by the residents of the cluster subdivision or offered to the county as agreed to by the Planning Commission, except where such additional reduction of lot size occurs as a result of utilizing TDRs pursuant to § [155.090\(D\)](#) and division (A)(5) of this section;
- (3) Cluster subdivisions must be served by public water and sewerage facilities;
- (4) Common open space shall not be less than 15% of the gross acreage of any tract submitted for cluster subdivision.
 - (a) A maximum of 50% of the required open space may be steep slopes, streams, ponds, watercourses, and floodplains;
 - (b) A minimum of 10% of the required open space or one and one-half acres, whichever is greater, shall be suitable for active recreational use and may not exceed a grade of 3%; and
 - (c) For tracts or parcels less than ten acres, the Planning Commission may approve deviations from these percentage requirements.
- (5) A cluster subdivision receiving TDRs may increase density at two TDRs for every ten lots created in accordance with division (A) above;
- (6) In order to be eligible for clustering, all lot yield from the entire property shall be included on the preliminary subdivision plan.

Multiple members of the public attended the meeting or sent written correspondence and voiced concerns about landscaping, sidewalks, traffic, stormwater runoff, and schools. The Planning and Zoning Commission authorized the cluster plan to proceed through the review process as opposed to the conventional plan.

❖ Plan Review:

103 clustered subdivision lots are proposed on the preliminary plan, which is unchanged from the concept plan that was previously presented to the Planning and Zoning Commission. The proposed lots range in size from 9,460 square feet to 27,309 square feet. The land derived from clustering - the difference from reducing lot sizes below the typical minimum lot size of 20,000 square feet - calculates to 16.04 acres, thus a minimum of 16.04 acres is required to be allocated as open space within the community. An Open Space Tabulation table on Sheet 1 shows that 23.03 acres of open space is being provided, which exceeds this requirement.

Common open space, 23.03 acres, is more than the code-required 15% of the gross acreage of the tract. The calculated area of steep slopes, streams, ponds, watercourses, and floodplains totals 43.4%. Code permits up to 50% of open space to be steep slopes, streams, ponds, watercourses, and floodplains, thus 56.6% of the open space is noted as useable.

Access is proposed from Oklahoma Road, a county road, in two locations. The northern proposed access point aligns with the existing intersection of Monroe Avenue and Oklahoma Road. The southern proposed access point aligns with the existing intersection of Red River Road and Oklahoma Road. With Monroe Avenue being a planned major road extension in the 2018 Freedom Community Comprehensive Plan, the developer will build it to the western property line. It is designed at an elevation which will enable the future connection of Monroe Avenue within County-owned Parcel F, which is included in the current Community Investment Plan.

The proposed road network within the site includes four use-in-common driveways, one through-road, three cul-de-sac roads, and a road that crosses a stream. With exception of the four private use-in-common driveways, these roads will be granted to the County after they have been constructed by the developer.

Aerostar Road crosses the on-site stream to provide access to a pocket cluster of 31 lots backing to the existing Longmeadow and Hemlocks subdivisions. Lots 93 & 94 within this area will share a use-in-common driveway, and lots 98, 99, & 100 will share the use-in-common driveway Piper Pacer Drive. All other houses on the west side of the stream have private driveways onto Beech Court.

On the east side of the stream, 62 lots have private driveways to either Red River Road or Monroe Avenue, and Hobart Court is a cul-de-sac that provides access to 10 lots. Lots 60 & 61, as well as 55 & 56, will each share a private use-in-common driveway with their adjacent lot. Open Space Parcels provide buffers between Oklahoma Road and the proposed lots on the east side of the stream, and Open Space parcels also exist over the environmental area along the stream. Four retaining walls are incorporated into the eastern side of the subdivision plan, and landscaping will be included at the base of the two retaining walls that are adjacent to adjoining roads and lots. Landscape screening is also provided along the frontage of the subdivision against Oklahoma Road, excluding an approximately 145' long portion at the southernmost side adjacent to the Oklahoma Road Middle School.

Sidewalk is proposed along Oklahoma Road between the landscaping and the road. While the developer has contacted the property owners of 6152, 6200, and 6206 Oklahoma Road in an effort to provide continuity of sidewalk, there is no agreement in place at this time. Sidewalk is shown along the full length of Oklahoma Road, excluding the portions that would traverse 6152, 6200, and 6206 Oklahoma Road.

Sidewalk is also provided throughout the internal road network of the subdivision. It is anticipated that sidewalk will be constructed with the Monroe Avenue extension through Parcel F. The result of the road connection will be continuity, neighborhood connectivity, and pedestrian accessibility from Bennett Road to Oklahoma Road Middle School.

Road improvements along the property frontage on Oklahoma Road include auxiliary lanes at the Monroe Avenue intersection as well as left turn lanes for both northbound and southbound traffic. The same lane configuration will be utilized at the Red River Road intersection. At Annie Court, a left turn lane will be added for southbound traffic.

A traffic impact study (TIS) was required and submitted in March 2020. The study demonstrated one currently failing intersection and one which will be failing following development of current projects in the pipeline; MD Route 32 & Bennett Road and MD Route 26 & Oklahoma Road. The proposed subdivision was determined to have minimal impact on those intersections with failing levels of service, itself not contributing to the failing designation. No mitigation is warranted or required. However, the two aforementioned intersections will be addressed with a signal timing adjustment which will be implemented by the State Highway Administration (SHA). SHA and Engineering review have approved the preliminary plans.

The subject property is in a Priority Funding Area and Designated Growth Area. The proposed land use is consistent with the 2018 Freedom Community Comprehensive Plan, as stated by the Department of Planning in their review. The Zoning Administration has approved the plan.

The subdivision will be served by public sewer and water. The sewer connection will be established to the northwest of the site, with the sewer line running to Monroe Avenue through the County-Owned Parcel F within the Oak Creek subdivision (Plat book 48 Pg 270). A water line connection will also be established to run parallel with this sewer line to connect to an existing waterline within the Oak Creek subdivision. Additional waterline connections will also be established in three other locations; the existing line on Cedar Court to the west via a County-owned lot within the Long Meadow subdivision (Plat book 5 Pg 28), and the existing line in Oklahoma Road in two locations. The Bureau of Utilities and the Health Department have approved the preliminary plan. Fire Protection has also approved the plan and all houses will have sprinkler systems in addition to the inclusion of new hydrants throughout the subdivision.

The Bureau of Resource Management has granted preliminary Stormwater Management approval. Stormwater management (SWM) will be addressed with structural facilities, private drywells within individual lots, HOA-owned micro-bio retention ponds, grass swales, and storm drains that convey water into these SWM facilities. Grading and Soil Conservation have approved the plan.

A Water Resource Protection Easement and Floodplain Easement over the variable width stream buffer, which is entirely within the Open Space parcels, will be established and granted to the County. Water Resource Management has approved the preliminary plan, and the plan is exempt from Floodplain codes. Forest Conservation will be addressed with both on-site easements within the Open Space parcels and with off-site banking. The Open Space Parcels will be granted to a Homeowners Association and will include these easements. Stormwater Management Parcels M-O will be granted to the County as well as a road dedication Parcels A & B. Side yards of lots against public roads, and applicable retaining wall bases, will be screened in accordance with Landscape Manual requirements and Landscaping approval has been granted.

❖ **Recommendations:**

Pursuant to Chapter 155, staff recommends approval of the preliminary plan subject to the following conditions:

1. That the Owner/Developer enters into a Public Works Agreement with Carroll County that guarantees completion of any required improvements.
2. That Red River Road, Hobart Court, Aerostar Road, Beech Court, and Monroe Avenue be conveyed to the Carroll County Commissioners upon acceptance by the County.
3. That Declaration of Maintenance Obligations deeds for the use-in-common driveways serving Lots 93 & 94, Lots 60 & 61, Lots 55 & 56, and Lots 98, 99, & 100 (Piper Pacer Drive) be recorded simultaneously with recordation of the subdivision plat.
4. That a Water Resource Protection Easement be granted to the County Commissioners of Carroll County simultaneously with recordation of the subdivision plat.
5. That a Forest Conservation Easement be granted to the County Commissioners of Carroll County simultaneously with recordation of the subdivision plat.
6. That a Landscape Maintenance Agreement for the landscaping shown on the approved preliminary plan be recorded simultaneously with recordation of the plat.
7. That a Stormwater Management Easement and Maintenance Agreement be granted to the County Commissioners of Carroll County as an easement of access to the County Commissioners or authorized representatives by a deed to be recorded simultaneously with recordation of the subdivision plat.
8. That any area labeled as a sewer easement, water easement, drainage and utility easement, or storm drain easement be granted to the County Commissioners of Carroll County by deed to be recorded simultaneously with recordation of the subdivision plat.
9. That the road dedication parcels shown on the plans as “Parcel A” and “Parcel B”, with acreages of 0.0956 acres and 1.9877 acres, shall be conveyed to the County Commissioners of Carroll County for right-of-way simultaneously with recordation of the subdivision plat.
10. That the “SWM” parcels shown on the plans as parcels “N,” “M,” and “O,” with respective acreages of 0.58 acres, 3.41 acres, and 2.11 acres shall be deeded to the Carroll County Commissioners upon acceptance of the facilities by the County.
11. That the “Open Space” parcels shown on the plans as parcels “C” at 0.54 acres, “D” at 3.06 acres, “E” at 1.55 acres, “F” at 1 acre, “G” at 5.69 acres, “H” at 10.28 acres, and “I” with 0.91 acres, shall be deeded to the Homeowners Association simultaneously with the recordation of the subdivision plat.
12. That the “ESD” parcels shown on the plans as parcels “J” at 0.32 acres, “K” at 0.19 acres, “L” at 0.24 acres, “P” at 0.81 acres, “Q” at 1.32 acres, and “R” at 0.31 acres, shall be deeded to the Homeowners Association simultaneously with the recordation of the subdivision plat.
13. That any changes to the Preliminary Plan as submitted and approved by the Commission herein shall be resubmitted to the Commission for further review and approval.

CONCURRENCY MANAGEMENT REPORT

❖ **Background:**

Pursuant to Chapter 156 of the Code of Public Local Laws and Ordinances, once the Department has determined that the residential development plan may be presented to the Commission, the plan is reviewed for Available Threshold Capacity.

❖ **Agency Responses:**

Police Services:

The ratio shall be calculated by counting all sworn officers with law enforcement responsibility in an incorporated municipality or within the county and by counting the total population within the incorporated municipalities and within the unincorporated county.

The estimated Carroll County population as of June 2023 was 176,371. There are currently 226 sworn law officers with 9 sworn personnel currently in training; an additional 34 positions are funded. Based on a total of 269 funded positions, the ratio of law enforcement positions to Carroll County population as of the end of June 2022 was 1.52. Including the development projects in the pipeline along with the funded positions, the ratio will be over 1.3. Services are adequate if the projected ratio of sworn law enforcement officers to population is 1.3:1,000.

Schools:

The proposed subdivision is located in the Freedom Elementary, Oklahoma Road Middle, and Liberty High attendance areas. In accordance with the criteria established in Chapter 156, Oklahoma Road Middle and Liberty High are rated adequate for Fiscal Years 2023-2028. Freedom Elementary is rated inadequate for Fiscal Years 2023-2028.

The April 2023 enrollment projections, prepared by Carroll County Public Schools, indicate that Freedom Elementary had an actual enrollment of 117.5% of state-rated capacity in 2022. The projections indicate that enrollment capacity percentages will be 121.7% in FY 2023, 121.1% in FY 2024, 124.2% in FY 2025, 125.3% in FY 2026, 124.8% in FY 2027, and 124.6% in FY 2028 at the end of the 6-year CIP cycle. In this attendance area, there are 9 additional residential developments, comprised of 156 dwellings, currently in the review process. There is also 1 additional residential development which will be an age-restricted community and will not be tested for school capacity. There are approximately 5 developments of 5 residential units in the Freedom attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) which has not been issued a building permit. An elementary school serving a proposed project is inadequate, for the purposes of Chapter 156, when current or projected enrollment is 120% of the state-rated capacity.

Although there are no improvements scheduled in the current approved Community Investment Plan which will provide capacity, Bill Caine, Facilities Planner for the Board of Education indicated on the Certification form "The BOE (Board of Education) will be requesting design funding in the FY25 (Fiscal Year 2025) CIP (Community Investment Plan) request to begin designing an addition to Freedom Elementary" (see attached)

The April 2023 enrollment projections indicate that Oklahoma Road Middle had an actual enrollment of 93.3% of functional capacity. The projections indicate that enrollment will be at 108.2% in FY 2028 at the end of the 6-year CIP cycle. In this attendance area, there are 12 residential developments, comprised of 307 new dwellings, currently in the review process. There are also 2 additional residential developments which will be age-restricted communities and will not be tested for school capacity. There are approximately 7 developments of 8 residential units in the Oklahoma Road attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. A middle school serving a proposed project is adequate, for the purposes of Chapter 156, when current or projected enrollment equals or is less than 109% of the functional capacity.

The April 2023 enrollment projections indicate that Liberty High had an actual enrollment of 87.1% of state-rated capacity. The projections indicate that enrollment will be at 101.1% in FY 2028 at the end of the 6-year CIP cycle. In this attendance area, there are 12 additional residential developments, comprised of 307 lots, currently in the review process. There are also 2 additional residential developments which will be age-restricted communities and will not be tested for school capacity. There are approximately 7 developments of 8 residential units in the Liberty attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. A high school serving a proposed project is adequate, for the purposes of Chapter 156, when current or projected enrollment equals or is less than 109% of the state-rated capacity.

Fire and Emergency Medical Services:

The proposed subdivision is located in the Sykesville fire and emergency medical services district. The most recent data from the Office of Public Safety reports that for the two-year period of July 2021- July 2023, late and no response statistical data indicates that of the first due total fire calls in the Sykesville district, 5.04% were categorized as no responses, and 13.76% as late and no responses. Of the first due emergency medical service calls, 1.78% were categorized as no responses and 1.64% as late and no responses. Sykesville is rated adequate for late and no response criteria for fire and emergency medical services.

With regard to fire call average response time, for the same two-year period, Sykesville had an average response time of 7 minutes and 27 seconds – adequate. With regard to emergency medical call average response time, Sykesville had an average response time of 6 minutes and 35 seconds – adequate. Services are rated adequate if when utilizing an average over the previous 24 months, response time is 8 minutes or less from time of dispatch to on-scene arrival with adequate apparatus and personnel.

The primary route from the firehouse to the proposed development does not include travel over bridges that cannot adequately support fire and emergency response apparatus – adequate.

Roads:

Oklahoma Road is rated approaching inadequate.

Sewer and Water:

The Bureau of Utilities rated the services as adequate. For water services, the facility is adequate if the maximum day demand is less than 85% of the total system production capacity. For sewer services, the facility is adequate if the projected annual average daily flow is less than 85% of the wastewater treatment facility permitted capacity.

❖ **Chapter 156 Recommendation:**

With regard to a preliminary plan, Chapter 156.06D(4)(a) states “If a public facility or service is inadequate or projected to be inadequate during the current CIP at the preliminary plan stage and no relief facility is planned in the six-year CIP to address the inadequacy or no mitigation is accepted by the county pursuant to § 156.06(B), the plan shall be denied by the Commission. At the request of the developer, the plan may be placed in a queue and retested on an annual basis.”

Pursuant to Chapter 156, staff recommends that the Planning Commission:

1. Find that police, fire, and emergency medical services are considered adequate; roads are approaching inadequate; schools are considered inadequate.
2. Deny the preliminary plan and at the developer’s request, allow the plan to be placed in a queue and re-tested on an annual basis.